

MINUTES OF BENTON COUNTY QUORUM COURT  
SPECIAL MEETING

**February 5, 2015**

A special meeting of the Benton County Quorum Court was held on Thursday, February 5, 2015 at 6:00 p.m. at the Benton County Administration Building, 215 East Central Avenue, Bentonville, Arkansas, pursuant to proper call and notice.

County Judge Robert D. Clinard called the meeting to order.

Quorum Court Coordinator Janet Reaves called roll as follows:

15 JPs Present: Easley, Shadlow, J. Harrison, Allen, K. Harrison, Adams, Jones, Sandlin, Anglin, Chiocco, Curry, Leadabrand, Moore, Meyers, Moehring

A legal quorum was present.

The presiding officer led the pledge of allegiance to the flag. JP Steve Curry led the prayer.

**PUBLIC COMMENT**

**NEW BUSINESS**

Proposed Appropriation Ordinance Amending Appropriation Ordinance No. O-2-14-84 (2015 Benton County Budget) Appropriating Additional Monies and Authorizing Additional Expenditures in Department 0418; Jail, Fund 1000; Sponsor: JP Tom Allen

County Attorney George Spence read the proposed appropriation ordinance by title only.

County Attorney George Spence stated that this appropriation is necessary for settlement of a 2012 lawsuit related to the jail.

Jason Owens of Rainwater, Holly and Sexton Law firm representing the Benton County Sheriff's Office explained details of the settlement to the justices. Owens stated that a low offer by the opposing attorneys to settle the case was \$1 million. He stated that the county would be responsible for paying \$652,000 and Arkansas Association of Counties Risk Management fund will pay the other \$348,000.

Jason Owens stated that the settlement resolves a lawsuit brought by Faith Whitcomb's family; and that the lawsuit claims that Faith Whitcomb did not receive adequate medical care while in jail. He stated Faith Whitcomb was incarcerated in the Benton County jail in July 2011 and remained there until her death on May 3, 2012. Jason Owens stated that after her death an autopsy was performed and found that she had died of pancreatic cancer that went untreated while she was in the jail, and that the cancer had spread to her liver, lungs and lymph system. He

stated that the lawsuit claims that medical personnel at the jail never took proper medical history and never ordered tests to find out what was wrong. Jason Owens stated that the case had problems; if it gets in front of a jury, there is a problem that everyone knows someone who has died of cancer. He added most remember the pain of the last days and that the plaintiff would evoke emotions that could impact the outcome of the case.

Jason Owens explained that the county would also be responsible for the attorney fees for the opposing council if the county lost the suit, and that the plaintiff's attorneys have said that they have already accumulated more than \$1 million in fees.

Jason Owens recommended to the Quorum Court that they approve the settlement. He stated that County Judge Bob Clinard, Sheriff Kelly Craddock and County Attorney George Spence were in favor of the settlement.

JP Allen made motion to approve the appropriation ordinance for the settlement, seconded by JP K. Harrison.

There being no further discussion, a roll call vote was recorded as follows:

15 Yeas: Easley, Shadlow, J. Harrison, Allen, K. Harrison, Adams,  
Jones, Sandlin, Anglin, Chiocco, Curry, Leadabrand, Moore,  
Meyers, Moehring

Appropriation Ordinance duly adopted and assigned **No. O-2015-04**

**Other Business**

None

After motion and second, meeting adjourned at 6:15 p.m.

Respectfully submitted,

Tena O'Brien  
County Clerk  
Prepared by: Janet Reaves